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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,054	03/22/2001	Dirk Holthaus	DT-3892	5946

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EXAMINER

CHAUDHRY, SAEED T

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 04/03/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,054

Applicant(s)

HOLTHAUS, DIRK

Examiner

Saeed T Chaudhry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Applicant's amendments and remarks filed January 30, 2003 have been acknowledged by the examiner and entered. Claims 1-4 have been canceled and claims 5-8 are pending in this application for consideration.

Rejected claims 3-4 under 35 U.S.C. § 112, second paragraph has been withdrawn by the examiner in view of the amendments.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) he has abandoned the invention.
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
- (f) he did not himself invent the subject matter sought to be patented.
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Claims 7-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by
Yano et al.

Yano et al (4,39,930) discloses an apparatus and a method for washing in multi-stage washing system. Numeral 1 is a treating tank, numerals 2, 3 and 4 are washing tanks, numeral 5 is a conveyor, A is metal cans, numerals 6, 7, 8 and 9 each are pumps for pumping treating liquid 11 in tank 1, and pumping liquids 12, 13 and 14 in tanks 2, 3 and 4, numerals 16, 16', 17, 17', 18, 18', 19 and 19' are nozzles for spraying the treating liquid and washing liquid in the zones of tanks 1, 2, 3 and 4 through conduits 21, 22, 23

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and 24 by pumps 6, 7, 8 and 9, numeral 20 is a pump for supplying fresh liquid such as water to furthestmost washing tank 4 through conduit 25, numeral 10 is a conduit discharging the washing liquid from nearest washing tank 2, and Z is the advancing direction of belt 5 and cans A.

Washing liquid conduits 23 and 24 in tanks 3 and 4 are respectively extended to front positions of adjacent washing tanks 2 and 3 placed respectively after the tanks 3 and 4, in the sense of the advancing direction of treated material marked by Z, so as to spray the washing liquid over the treated material in the zones of the adjacent washing tanks 2 and 3 in an amount equal to that of the supplied fresh liquid, and nozzles 41, 41', 42 and 42' are provided at the ends of the extended conduits (of course, no such extended conduit is provided at nearest washing tank 2, because it has no adjacent washing tank). Then, washing liquids 13 and 14 are supplied from washing tanks 3 and 4 to the adjacent washing tanks 2 and 3 placed after the washing tanks 3 and 4 through nozzles 41, 41', 42 and 42' of the extended conduits at the front positions of the adjacent washing tanks 2 and 3 in an amount equal to that of the fresh supplied to furthestmost washing tank 4 through conduit 25. While each washing liquid in the individual washing tanks 2, 3 and 4 is also sprayed over the treated material at a rear position of each of the individual washing tanks 2, 3 and 4 in the sense of the advancing direction of the treated material, from nozzles 17, 17', 18, 18', 19 and 19' as in the conventional method. The washing liquid in an amount equal to that of the supplied fresh liquid is discharged from washing tank 2 through conduit 10 (see col. 3, lines 36-68 and col. 4, lines 1-12). Conduit for nozzles 19, 18 and 17 are equivalent to a rinsing

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water circuit, which recirculate water in the same tank and conduits for nozzles 41, 42, and 43 are equivalent to a bypass stream which feed rinsing liquid to immediately upstream of a respective tank. Therefore, claims 3-4 are anticipated by Yano et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

The factual inquiries set forth in *Graham v. John Deer Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

Claims 5-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yano et al in view of Hodsden et al.

Yano et al was discussed supra. Also, Conduit for nozzles 19, 18 and 17 recirculate water in the same tank and conduits for nozzles 41, 42, and 43 feed rinsing liquid to immediately upstream of a respective tank. However, the reference fails to teach a metal strip.

In an analogous art, Hodsden et al (3,938,214) disclose a method for rinsing steel strip in a cascade rinsing system (see fig. 1).

It would have been obvious at the time applicant invented the claimed process to utilize Hodsden et al method in the Yano et al's method for rinsing a metal strip for better and efficient rinsing and reducing the rinsing liquid in a rinsing process. Also, Yano et al is passing a belt over the tanks which is like a strip and one would expect that it will also rinse a metal strip and give better rinsing results.

Response to Applicant's Arguments

Applicant argued that claims 5-8 are patentable over Yano et al and Hodsden et al whether taken alone or in combination. Specifically, claim 5, recites the step of feeding the bypass stream to a washer unit located immediately upstream of a respective unit for additionally rinsing the metal strip in the immediately upstream washer unit with a rinsing water containing a smaller concentration of foreign additives than a rinsing water with which the metal strip is first treated in the immediately upstream washer unit.

This argument is not persuasive because Yano et al feed the bypass stream to a washer unit immediately upstream of a respective washer unit such as from tank 14 to tank 13 with nozzles 42 and 42', wherein the tank 14 has smaller concentration of foreign additives since fresh water is added in the tank 14.

Applicant argued that in carrying treatment liquid from the first tank to the second tank and the following tanks during transportation of the treated goods (cans) on a belt cannot be avoided in the Yano et al process in Fig. 1.

This argument is not persuasive because in Fig. 2, Yano et al process transport fresh liquid from tank 14 to tank 13 by nozzles 42 and 42', wherein the fresh liquid is added in the tank 14. Therefore, the concentration of the tank 14 is less than the concentration of tank 13. Further, the applicant's claimed process and apparatus also, carry treatment liquid on the steel strip, which is the same process as disclosed by Yano et al.

Applicant's arguments filed January 30, 2003 have been fully considered but they are not deemed to be persuasive.

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

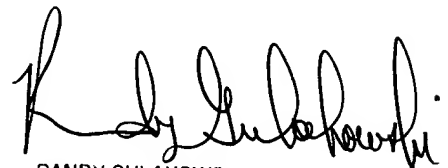
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (703) 308-3319. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Gulakowski Randy, can be reached on (703)-308-4333. The fax phone number for this Group is (703)-305-7719.

When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

**Saeed T. Chaudhry
March 27, 2003**



**RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
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